

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: NATIONAL FOOTBALL
PLAYERS' CONCUSSION
INJURY LITIGATION**

No. 2:12-md-02323-AB

MDL No. 2323

THIS DOCUMENT RELATES TO:

**CHRIS MONTANE SMITH
BILLIE SMITH**, Plaintiffss in
Simpson v. NFL, No. 12-cv-1827

PETITION TO ESTABLISH ATTORNEY'S LIEN

NOW INTO COURT, come the Petitioners, Derriel C. McCorvey for The Law Office of Derriel C. McCorvey, L.L.C., The Singleton Law Firm, Andrus Hood & Wagstaff and Mike Espy, PLC ("Attorneys"), pursuant to La. R.S. 37:218, et seq. and La. R.S. 9:5001, et seq. and state as follows:

- (1) The Petitioner Derriel C. McCorvey is an attorney at law admitted to practice before this Court and files this Petition to establish his lien for attorney's fees as set forth hereinafter.
- (2) On or about June 6, 2012, Petitioners were retained and employed by the plaintiffs Chris Montane Smith and Billie Smith, pursuant to a contingent fee agreement, to pursue a claim for injuries and damages related thereto possibly caused by the National Football League and all other responsible parties' liability for former and/or retired NFL players' long-term brain injuries and other head injuries and damages associated with football-related concussions, head and brain injuries.

- (3) The specifics of the contingent fee agreement are as follows: The “Attorneys” will represent you in this matter on a contingent basis. To the maximum extent permitted by law, you will have no responsibility for our legal fees or any reasonable out-of-pocket expenses we incur in the scope of this representation if we are not successful in recovering on your behalf. In consideration of said Attorneys performing said legal services and advancing the necessary costs and expenses required to prosecute said Claim to a proper conclusion, I do hereby agree to pay the “ATTORNEYS”, LLC, 33 1/3% of any sums recovered on your behalf in this matter.
- (4) When Petitioners entered into contract with Plaintiffs, they entered into the risk and expense of the litigation before any settlement discussion had been held. Pursuant to this agreement, the Petitioners filed a Complaint on July 12, 2012 in this matter on behalf of the Plaintiffs, which is the subject of the instant action.
- (5) From the date the Petitioners were authorized to proceed on behalf of the Plaintiffs, the Petitioners have actively and diligently applied themselves to the investigation, preparation, and pursuit of Plaintiffs’ claims, and have taken all steps necessary to prosecute those claims.
- (6) Throughout this litigation, Petitioner Derriel C. McCorvey has served and continues to serve on the Plaintiffs Steering Committee, all of which has inured to the Plaintiffs’ benefit with Attorney’s representation.
- (7) The Plaintiffs have discharged the Petitioners as his attorneys in this matter.
- (8) The Petitioners were not terminated by the Plaintiffs for cause, and the termination was not due to any malfeasance or other improper action on the part of the Petitioners.

(9) The Petitioners claim the right to have a lien for attorney's fees and expenses established and enforced upon any sums to be derived from any settlement or judgment obtained or to be obtained by Plaintiffs in this action.

WHEREFORE, the Petitioners pray:

- (1) That their attorney's lien be determined;
- (2) That the amount of the lien be established;
- (3) That the Court order that the Petitioners be entitled to enforce their attorney's lien against the proceeds to be derived from any settlement or judgment in this action;
- (4) That the Defendant or the Defendant's insurer be prohibited from paying to the Plaintiffs any sums of money until said lien has been satisfied;
- (5) For such other and further relief as this Court deems just.

Dated: April 22, 2016

Respectfully Submitted By:

**THE LAW OFFICE OF
DERRIEL C. MCCORVEY, L.L.C.**

/s/ Derriel C. McCorvey
Derriel C. McCorvey
LA Bar Roll # 26083
TX Bar Roll# 24073351
117 Caillouett Place
Post Office Box 2473
Lafayette, LA 70502
Tel. 337-291-2431
Fax 337-291-2433
Email: derriel@mccorveylaw.com

/s/ W. James Singleton
LABR# 17801
The Singleton Law Firm, APLC
4050 Linwood Avenue
Shreveport, LA 71108
Ph. 318-631-5200
Fax 318-636-7759
wjsingleton@singletonlaw.com

/s/ Vance R. Andrus
Vance R Andrus
LABR# 2484
ANDRUS HOOD & WAGSTAFF
1999 Broadway
Suite 4150
Denver, CO 80202
Ph. (303) 376-6360
Fax (303) 376-6371
vance.andrus@ahw-law.com

/s/ Mike Espy
MSBR# 5240
Mike Espy PLLC
317 E. Capitol Street, Ste. 101
Jackson, MS 39201
Ph. 601-355-9101
Fax 601-355-6021
mikesmike@mikespy.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2016, I electronically filed the foregoing *Petition to Establish Attorney's Lien* with the Clerk of the Court by using the CM/ECF system. Said document has this date been served on all counsel of record in these proceedings by CM-ECF.

/s/Derriel C. McCorvey
DERRIEL C. MCCORVEY